

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
CLAIMING BENEFIT OF PROVISIONAL APPLICATION(S)**

Atty. Docket No. CCF-8444

As a below inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD TO CONTROL VENTRICULAR RATE IN ATRIAL FIBRILLATION PATIENTS**, the specification of which:

(check one) ☐ is attached hereto.

☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

☒ was filed on November 10, 2004 as International Application No. PCT/US2004/037456  
and was amended on \_\_\_\_\_  
by ☐ Preliminary Amendment ☐ Article 19; ☐ Article 34 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim priority benefits under Title 35, United States Code, §119 of any provisional application(s) listed below and have also identified below any provisional application(s) having a filing date before that of the application on which priority is claimed:

Prior Provisional Application(s):

<u>60/519,082</u> (Number)	<u>10 November, 2003</u> (Day/Month/Year Filed)	Priority Claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Number)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

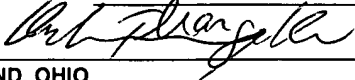
I hereby claim the benefit under United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

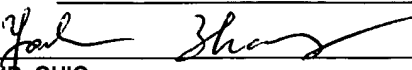
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status-patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status-patented, pending, abandoned)

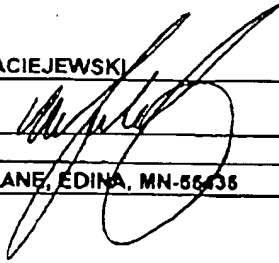
Power of Attorney: Robert B. Sundheim, Reg. No. 20,127; Calvin G. Covell, Reg. No. 24,042; Barry L. Tummino, Reg. No. 29,709; James L. Tarolli, Reg. No. 36,029; Richard S. Wesorick, Reg. No. 40,871; Richard A. Sutkus, Reg. No. 43,941; Matthew M. Shaheen, Reg. No. 45,367; Gary J. Pitzer, Reg. No. 39,334; and Christopher P. Harris, Reg. No. 43,660, each with full powers of substitution and revocation to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: **TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.**  
**1300 EAST NINTH STREET, SUITE 1700**  
**CLEVELAND, OHIO 44114**  
DIRECT TELEPHONE CALLS TO: **RICHARD S. WESORICK, (216) 621-2234**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Full name of sole or first inventor TODOR N. MAZGALEV  
Inventor's signature  Date Jan 11 2007  
Residence CLEVELAND, OHIO Citizenship U.S.A.  
Post Office Address 29149 BRYCE ROAD, CLEVELAND, OH-44124 County CUYAHOGA

2) Full name of second inventor YOUHUA ZHANG  
Inventor's signature  Date 01/11/2007  
Residence CLEVELAND, OHIO Citizenship CHINESE  
Post Office Address 24128 GREENLAWN AVENUE, BEACHWOOD, OH-44122 County CUYAHOGA

3) Full name of third inventor MARK MACIEJEWSKIInventor's signature Residence EDINA, MINNESOTAPost Office Address 6 ORCHARD LANE, EDINA, MN-55438Date JAN. 12, 2007Citizenship U.S.A.County HENNEPIN

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

26,294

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

26,294

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		


Assignee Name and Address:

The Cleveland Clinic Foundation  
 9500 Euclid Avenue  
 Cleveland, OH 44195

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	9/18/06
Name	David Rowan	Telephone	216/444-3441
Title	Chief Legal Officer and Secretary		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Todor N. Mazgalev, et al.Application No./Patent No.: 10/578,823 Filed/Issue Date: 9 May 2006Entitled: METHOD TO CONTROL VENTRICULAR RATE IN ATRIAL FIBRILLATION PATIENTSThe Cleveland Clinic Foundation, a Tax-Exempt Organization  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

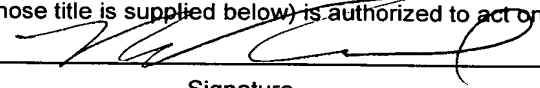
- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Richard S. Wesorick, Reg. No. 40,871

Printed or Typed Name

Agent

Title

January 16, 2007

Date

(216) 621-2234

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

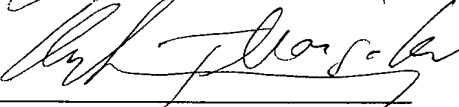
## ASSIGNMENT

WHEREAS, we, Todor N. Mazgalev, Youhua Zhang, and Mark Maciejewski, of Cleveland, County of Cuyahoga, and State of Ohio; of Cleveland, County of Cuyahoga, and State of Ohio; and of Edina, County of Hennepin, and State of Minnesota respectively, have made new and useful improvements in **METHOD TO CONTROL VENTRICULAR RATE IN ATRIAL FIBRILLATION PATIENTS** (generally referred to as CCF Project No. ) for which application for Letters Patent of the United States has been filed on May 9, 2006 under Serial No. 10/578,823;

WHEREAS, The Cleveland Clinic Foundation (hereinafter "CCF"), a tax-exempt organization duly organized and existing under the laws of the State of Ohio, having a place of business at Cleveland, County of Cuyahoga, State of Ohio, is desirous of acquiring the entire right, title and interest in and to the said improvements and all patents therefor to be obtained in the United States of America and countries foreign to the United States;

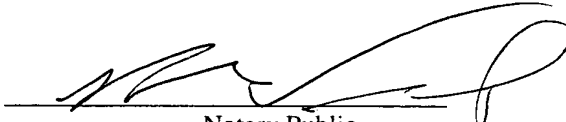
NOW THEREFORE, BE IT KNOWN that, pursuant to CCF's Invention and Discovery Policy as specified in the CCF "Yellow Book" as of this date and for valuable considerations to us paid, the receipt whereof is hereby acknowledged, we, the said Todor N. Mazgalev, Youhua Zhang, and Mark Maciejewski, and do hereby assign, sell and set over unto the said CCF, its successors or assigns, the entire right, title and interest in and to the said improvements and any and all inventions pertaining thereto, said application Serial No. 10/578,823, for the United States patent, all patents granted therefore in the United States of America and elsewhere, and the right to apply for patents therefore in all countries foreign to the United States and to claim for such applications the priority of United States applications, and we hereby request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents, to issue such patents to the said CCF, its successors or assigns; and we further agree to execute such other applications and other instruments and do all other acts as may be deemed necessary by the said CCF, its successors or assigns in order to fully secure, protect and preserve its rights to the said improvements and to obtain patents therefor in the United States of America and all countries foreign to the United States, all without further consideration but at the expense of the said CCF, its successors or assigns.

Signed at  
County of Cuyahoga  
This 12th

and State of \_\_\_\_\_  
day of January, 2007  
  
\_\_\_\_\_  
Todor N. Mazgalev

STATE OF OHIO )  
COUNTY OF CUYAHOGA )

On this 12th day of JANUARY, 2007  
Personally appeared before me Todor N. Mazgalev to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

  
\_\_\_\_\_  
Notary Public

RICHARD S. WESORICK  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION HAS NO EXPIRATION DATE  
SECTION 147.03 R.C.

Signed at Cleveland  
County of Cuyahoga  
This 12th

and State of OHIO  
day of January, 2007

[Signature]  
Youhua Zhang

STATE OF OHIO )  
COUNTY OF CUYAHOGA )

On this 12th day of January, 2007  
Personally appeared before me Youhua Zhang to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

[Signature]  
Notary Public

RICHARD S. WESORICK  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION HAS NO EXPIRATION DATE  
SECTION 147.03 R.C.

Signed at  
County of  
This

and State of  
, 20

Mark Maciejewski

STATE OF )  
COUNTY OF )

On this day of , 20  
Personally appeared before me Mark Maciejewski to me known to be the person named in and who executed the above instrument, and acknowledged to he that he executed the same for the uses and the purposes therein mentioned.

Notary Public

Signed at  
 County of \_\_\_\_\_ and State of \_\_\_\_\_  
 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
 Zhang Youhua

STATE OF \_\_\_\_\_ )  
 )  
 COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_  
 Personally appeared before me Zhang Youhua to me known to be the person named in and who executed the  
 above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein  
 mentioned.

\_\_\_\_\_  
 Notary Public

Signed at Edina  
 County of Hennepin and State of Minnesota  
 This 12th day of January, 2007

\_\_\_\_\_  
 Mark Maciejewski

STATE OF \_\_\_\_\_ )  
 )  
 COUNTY OF \_\_\_\_\_ )

On this 12th day of January, 2007  
 Personally appeared before me Mark Maciejewski to me known to be the person named in and who executed the  
 above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein  
 mentioned.

\_\_\_\_\_  
 Notary Public